

Appl. No. : 10/631,117  
Filed : July 31, 2003

### REMARKS

Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the above amendments and the following remarks.

#### Indicated Allowable Subject Matter

Applicant notes with appreciation that the Examiner has indicated that Claims 5-7, 12 and 17 contain patentable subject matter and would be in condition for allowance if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this Amendment, Applicant has rewritten Claims 5 and 12 into independent form including all of the limitations of the base claim and any intervening claims. Claims 6-7 continue to depend upon Claim 5. As such, Applicant submits that Claims 5-7 and 12 are in condition for allowance. Claim 17 has been amended such that it now depends upon Claim 15, which, as explained below, Applicant submits is in condition for allowance.

#### Claim Rejections

Claims 1-4, 8-11, 13-14, 15-16, and 18 are rejected under 35 U.S.C. 102(e) as anticipated by Kanno (USPN 6,672,283). Claims 1-4, 8-11, 13-14, 15-16, and 18 are rejected under 35 U.S.C. 102(e) as anticipated by Katayama (USPN 6,708,659). Claims 1-4, 8-11, 13-14, 15-16, and 18 are rejected under 35 U.S.C. 102(e) as anticipated by Fukuda et al. (USPN 6,582,262). Claims 1-4, 8-11, 13-14, 15-16, and 18 are rejected under 35 U.S.C. 102(e) as anticipated by Katayama (USPN 6,439,938, herein "Katayama II").

With respect to Claim 1, Applicant has amended this claim to recite, in part, an internal combustion engine comprising "a control valve unit configured to control the change mechanism, the control valve unit comprising an actuator and a valve member, the valve member at least in part being disposed within the outer area." The cited art does not disclose an internal combustion engine with at least the above-noted limitation. For example, Katayama II disclosed a control section 246 comprising a cylinder section 318 and a rod 324 positioned within the upper bearing cap 176, which is, in turn, positioned within the camshaft cover 179. See Col. 12, lines 10-50 and Figure 9. A camshaft cover is recognized as being part of the engine body. See e.g., paragraph 37 of the present application. As such, Katayama II disclosed an arrangement in

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which the rod is positioned within the engine body. Kanno and Katayama disclosed similar arrangements. With respect to Fukuda et al., this reference disclosed a valve timing adjusting mechanism 84, which is entirely positioned on the lower side of a ceiling surface of the head cover 24. See Col. 9, lines 38-45. As such, Fukuda et al. also disclosed an arrangement in which the valve timing adjusting mechanism is positioned within the engine body.

None of the cited references, therefore, disclosed an internal combustion engine wherein, *inter alia*, the valve member of the control valve unit is at least in part disposed within the outer area of the engine body. For at least this reason, Applicant submits that Claim 1 is in condition for allowance. Claims 2-4, 7-11, and 13-14 are in condition for allowance because, *inter alia*, they depend upon either directly or indirectly upon allowable Claim 1.

With respect to Claim 15, Applicant has amended this claim to include the limitations of original Claim 16, which has been canceled. Accordingly, Claim 15 recites, in part, an internal combustion engine for an outboard motor comprising "a control valve unit configured to control the change mechanism, the control valve unit at least in part being disposed within the outer area, wherein the outer surface is a top surface of the engine body, and the outer area is a top area that extends generally above the top surface." Applicant respectfully traverses the rejection of Claim 16 and submits that Claim 15 is in condition for allowance.

Kanno, Katayama and Katayama II clearly disclosed an internal combustion engine for an outboard motor in which the control section 246 is positioned on a side of the engine and not within "the area generally that is generally above the top surface." See Figure 2 and the component identified by the reference number 246 of Kanno, Katayama and Katayama II. In a similar manner, Fukuda et al. also disclosed an internal combustion engine for an outboard motor in which the timing adjusting mechanism 84 is positioned on a side of the engine (see Figure 1).

Accordingly, Claim 15, as amended, is in condition for allowance. Claim 17 and 18 depends upon allowable Claim 15 and, for at least this reason, these claims are also in condition for allowance.

#### New Claim

Applicant has added new independent Claim 19. Applicant respectfully submits that the cited art does not disclose either alone or in combination an internal combustion engine

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comprising an engine body having an outer surface, an output shaft extending through the engine body, an air intake system arranged to deliver air to a combustion chamber of the engine, the air intake system having an intake valve movable between a closed position and an open position, an exhaust system arranged to route exhaust gases in the combustion chamber to an external location of the engine, the exhaust system having an exhaust valve movable between a closed position and an open position, at least one camshaft actuating the intake valve or the exhaust valve, the camshaft extending through the engine body and toward the outer area beyond the outer surface, a drive mechanism arranged to drive the camshaft, at least a portion of the drive mechanism being disposed in the outer area, a hydraulically operated change mechanism arranged to change an angular position of the camshaft relative to the output shaft, and a control valve unit configured to control the change mechanism, the control valve unit comprising an actuator and a valve member, the valve member being disposed along the outer surface. For at least this reason, Applicant submits that Claim 19 is in condition for allowance.

#### CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

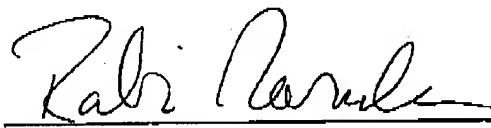
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly. In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

Rabinder N. Narula  
Registration No. 53,371  
Attorney of Record  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404

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